

#101

500.1004CON/RCE

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Re: Application of: Gregor CEVC  
Serial No.: 09/621,574  
Filed: July 21, 2000  
Examiner: Kishore, G.  
For: **PREPARATION FOR THE APPLICATION OF  
AGENTS IN MINI DROPLETS**

BOX: RCE  
Assistant Commissioner for Patents  
Washington, D.C. 20231

September 28, 2001

**INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to the provisions of 37 C.F.R. §§ 1.97-1.99, Applicant submits herewith the following Information Disclosure Statement. Applicant respectfully requests consideration of the references listed on the attached form PTO-1449.

The undersigned attorney has recently learned that there had been an Opposition to European Patent, EP 0475160 B1 (the "EP patent") which has a specification corresponding to U.S. Patent No. 6,165,500 (the "issued U.S. patent"). The above-referenced application is a continuation of U.S. Serial No. 07/844,664 filed on April 8, 1992, now issued as the issued U.S. patent. Specifically, in the European Patent Office ("EPO"), EP 475160 B1, has been subject to an Opposition Proceeding brought on or about November 15, 1996 by ROVI GmbH (the "Opponent"). A Decision was rendered by the EPO Opposition Division on July 30, 1998 upholding the EP patent in its entirety, without any changes to the claims. An Appeal from the Decision of the EPO Opposition Division is still pending.

The claims granted in the EP 475160 B1 are different in scope from the claims pending in this application and the claims set forth in the issued U.S. patent. Nevertheless, the following information is provided so that the Examiner is able to review the arguments made by the Opponent, and the references cited during the Opposition and Appeal. For the Examiner's

convenience copies of the EP and U.S. patents are attached hereto as Exhibits A and B, respectively.

### **OPPOSITION OF EP 475160 B1**

The EP Opponent sought revocation of the EP patent in accordance with Article 102 EPC, alleging lack of novelty and inventive step and deficient disclosure.

Three references, publications D1-D3, were cited by the Opponent, each of which is listed in the attached form PTO-1449 as references BN, BO, BP, respectively. Attached hereto as Exhibit C<sup>1</sup> (ref. DC on form PTO-1449) are the Opponent's arguments filed in support of the opposition request. Also attached is Exhibit D (ref. DD on form PTO-1449), the Patentee's response, wherein the Patentee requested that the Opposition be revoked as impermissible or, in the alternative, as unfounded and that a hearing be scheduled. In support of novelty, the Patentee introduced publications D4-D6, listed on form PTO 1449 as references CC, CD, CE, respectively. Exhibit E (ref. DE on form PTO-1449) hereto, is a communication to the EPO from the Patentee further supplementing the Patentee's response to the Opposition Request, filed April 21, 1997. With this document an ancillary application was filed through which the product claims were converted to utilization claims. Exhibit F (ref. DF on form PTO-1449) hereto is the Opponent's response to the Patentee's statement dated April 21, 1997. In this document, the Opponent continues to present arguments for deficient disclosure.

Exhibit G (ref. DG on form PTO-1449) dated July 30, 1998 sets forth the Decision by the EPO Opposition Division. The Opposition Division of the EPO upheld EP 475160 B1 in its entirety. More specifically, the Opposition Division held that: (i) the Opposition was permissible; (ii) the invention was sufficiently clearly disclosed to enable one skilled in the art to implement it; and (iii) the main independent claims were found to be both novel and show inventive step over the Opponent's nearest prior art of D1-D3.

### **APPEAL OF THE DECISION OF THE EP OPPOSITION DIVISION**

The Opponent thereafter filed an Appeal from the Decision of the Opposition Division upholding the EP 475160 B1 Patent. The grounds for Appeal are set forth in Exhibit H (ref. DH

---

<sup>1</sup> Exhibits C-I hereto are attached both in German and their English translations. Each German document and its corresponding translation are marked with the same exhibit letter.

on form PTO-1449) dated December 4, 1998. In its arguments set forth in Exhibit H, the Appellant continued to argue that the specification had a deficient disclosure and the claims lacked novelty and inventive step over references D1-D3 and further argued that the claims were also not patentable over newly presented references D7-D19. Of these references, the Appellant relied upon D1, D11, D12 and D13 to allege lack of novelty of the Patentee's invention. In that regard, see specifically the Appellant's arguments at pages 24 to 30 of Exhibit H. In addition, Appellant relied upon reference D1 to allege lack of inventive step as discussed at pages 30 to 36 of Exhibit H. Furthermore, the Opponent relied upon References D14 to D19 to allege lack of novelty of the Patentee's invention as related to liquid to surfactant ratio. See, specifically, the Appellant's arguments on pages 36 to 41 of Exhibit H. Finally, Appellant relied upon references D12, D13 and D18 to challenge the accuracy of the comparative tests conducted by the Patentee during the prosecution of the EP 475160 B1. See, specifically, the Appellant's arguments at pages 41 to 45 of Exhibit H. References D12, D13 and D18 were previously made of record during the European prosecution of the EP 475160 B1 as References D4, D2 and D3 respectively, and are now listed on the accompanying form PTO-1449 as references AJ, AG and AD, respectively.

Reference D13 was made of record during the prosecution of parent application 07/844,664 by virtue of an IDS filed on July 14, 1992 providing therefor an abstract searched from Derwent World Patents Index. A complete copy of its Australian counterpart, which is in the English language, is now made of record on the accompanying PTO-1449 form as reference CB.<sup>2</sup>

Exhibit I (ref. DI on form PTO-1449) hereto is the Patentee's response to the Statement of Appeal of the Opponents. The Patentee requested that the Appellant's appeal of the decision by the Opposition Board be rejected as inadmissible or unfounded and, in the alternative that a hearing be scheduled. In support of these arguments, the Patentee provided arguments at pages 6 to 12 of Exhibit I with respect to novelty and inventive step over the cited references of D1-D3

---

<sup>2</sup> During the prosecution of the EP patent, the Examiner had cited reference D2, i.e., EP-A-0102324 against claim 1 to allege lack of novelty. In response, Applicant filed a revised claim 1 and submitted experimental data in which example 2 of EP-A-0102324 was duplicated except that octadecyltrimethylammonium bromide was used as the surfactant instead of cetyl trimethylammonium bromide (cetyl TAB) as specified in EP-A-0102324 which could not be obtained. Based on the results obtained by running example 2 of reference D2, Applicant argued that the resulting liposomes did not behave as the transfersomes of the invention, because, inter alia, the permeation capability of the liposomes of reference D2 was an order of magnitude smaller than that found for the transfersomes of the invention. Subsequently, Applicant reproduced experiments of example 2 of D2 by using cetyl TAB as specified in reference D2 and not octadecyltrimethylammonium bromide. More specifically, the Applicant reworked the following examples of reference D2: Experiments nos. 1, 6 and 8 of Table 1, experiments nos. 1 and 6 of Table 2, experiments nos. 1 and 10 of Table 8. Also an example with 20 mg/ml cetyl TAB was reworked. The Examiner then removed his rejection based on reference D2 and allowed the application to proceed to grant.

and D7 to D19. Additionally, the Patentee also argued at pages 8 to 11 of Exhibit I that the newly cited references D7 to D19 should be rejected as being both irrelevant and late.

### **COPENDING APPLICATIONS**

The undersigned also respectfully directs the Examiner's attention to Applicant's copending patent applications as follows:

U.S.S.N. 09/284,683 filed June 24, 1999 entitled "Preparation for the transport of an active substance across barriers" to Cevc;

U.S.S.N. 09/555,986 filed August 17, 2000 entitled "Method for developing, testing and using associates for macromolecules and complex aggregates for improved payload and controllable de-association rates to Cevc et al.;

U.S.S.N. 09/887,493 filed June 22, 2001 entitled "Improved formulation for topical non-invasive application in vivo" to Cevc.

With respect to U.S.S.N. 09/284,683, this patent application has a corresponding German Patent Application No. P4447287.0-41 which has proceeded to grant in the German Patent Office and has issued as German Patent DE4447287C1. This patent has been opposed by the same Opponent who has opposed the corresponding EP patent filing of this application. All references cited in the Opposition to DE 4447287C1 were also cited by the opponent in the Opposition to EP 0475160B1 (which corresponds to the present application), except for references DP on form PTO-1449, which are also made of record at this time. Further, European application EPO 224837 A2, corresponds to U.S. Patent No. 4,954,345 both listed on form PTO-1449 as references CG and AA, respectively. Additionally, references cited in the above referenced copending applications and related applications pending in other foreign patent offices have also been made of record on attached form PTO-1449.

This Information Disclosure Statement is not a representation that the documents cited herein are considered most pertinent, or that a search has been undertaken or that any of the cited documents is indeed prior art. The Examiner is invited to undertake an independent search.

Pursuant to Rule 37 C.F.R. §1.97 (b), an Information Disclosure Statement shall be considered by the Patent Office if filed before the mailing date of the first Official Action on the merits. Thereafter, an Information Disclosure Statement shall be considered if it is accompanied by the requisite fees set forth in 37 C.F.R. §121.17. Since, this Information Disclosure Statement is being filed prior to the receipt of a first Official Action on the merits, no fee is required.

Finally, the Commissioner is authorized to charge any additional fee or credit, any overpayment in such fees to Deposit Account No. 50-0552.

Applicant respectfully requests that the Examiner consider and make of record the documents cited herein. Applicant further requests that a copy of the form PTO-1449, appropriately initialed by the Examiner, be returned to the Applicant in turn.

If the Examiner has any questions or comments relating to the present application, he or she is respectfully invited to contact Applicant's attorney at the telephone number set forth below.

Respectfully Submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 

Clifford M. Davidson

Reg. No. 32,728

Livia S. Boyadjian

Reg. No. 34,781

Davidson, Davidson & Kappel, LLC  
485 Seventh Avenue, 14th Floor  
New York, New York 10018  
(212) 736-1940

I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" in an envelope with sufficient postage addressed to "Assistant Commissioner for Patents, Washington, D.C. 20231" on September 28, 2001.

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 

FORM PTO-1449 (REV. 7-80)										U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE										ATTY. DOCKET NO.: 500.1004 CON/RCE										SERIAL NO.: 09/621,574																			
LIST OF PRIOR ART CITED BY APPLICANT  (Use several sheets if necessary)																				APPLICANT(S): CEVC, Gregor										FILING DATE: July 21, 2000										GROUP:									
U.S. PATENT DOCUMENTS																																																	
**EXAMINER INITIAL				DOCUMENT NUMBER								DATE		NAME								CLASS		SUBCLASS		FILING DATE IF APPROPRIATE																							
		AA		4	9	5	4	3	4	5	9/4/90		Müller																																				
		AB		*4	9	3	7	0	7	8	6/26/90		Mezei, et al.																																				
		AC		*4	9	2	1	7	0	6	5/1/90		Roberts, et al.																																				
		AD		*4	9	1	1	9	2	8	3/27/90		Wallach																																				
FOREIGN PATENT DOCUMENTS																																																	
				DOCUMENT NUMBER								DATE		COUNTRY								CLASS		SUBCLASS		TRANSLATION																							
																										YES		NO																					
		AE		0	0	2	4	3	7	7	05/04/00		WO								A61K		9/127																										
		AF		0	0	1	2	0	6	0	03/09/00		WO								A61K		9/127																										
		AG		*9	8	3	3	4	8	3	8/6/98		WO																																				
		AH		*2	0	5	2	1	6	4	9/26/92		Canada																																				
		AI		*0	4	7	5	1	6	0	03/18/92		EP								A61K		9/127																										
		AJ		*9	2	0	3	1	2	2	03/05/92		WP																																				
		AK		*9	2	0	3	1	2	2	3/5/92		WO																																				
		AL		*WO	88	0	7	3	6	2	10/6/88		PCT																																				
		AM		*0	2	8	0	4	9	2	8/31/88		Europe																																				
		AN		*9	8	1	7	2	5	5	4/30/88		WO																																				
		AO		*3	7	1	3	4	9	4	10/29/87		Germany																																				
		AP		*0	2	2	0	7	9	7	5/6/87		Europe																																				
		AQ		*WO	87	0	1	9	3	8	4/9/87		PCT																																				
		AR		*0	2	1	1	6	4	7	2/25/87		Europe																																				
		AS		*0	1	0	2	3	2	4	3/7/84		Europe																																				
		AT		*3	0	1	6	9	7	6	11/13/80		Germany																																				
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)																																																	
		AU		*V.M. Knepp et al., "CONTROLLED DRUG RELEASE FROM A NOVEL LIPOSOMAL DELIVERY SYSTEM. II. TRANSDERMAL DELIVERY CHARACTERISTICS", Journal of Controlled Release 12 (1990) March, No. 1, Amsterdam, NL, pp. 25-30.																																													
		AV		*C.E. Price, "A REVIEW OF THE FACTORS INFLUENCING THE PENETRATION OF PESTICIDES THROUGH PLANT LEAVES" on I.C.I. Ltd., Plant Protection Division, Jealott's Hill Research Station, Bracknell, Berkshire RG12 6EY, U.K., pp. 237-252.																																													
		AW		*K. Karzel and R.K. Liedtke, "MECHANISMEN TRANSKUTANER RESORPTION" on Grandlagen/Basics, pp. 1487-1491.																																													
		AX		*Search Report for PCT/EP91/01596.																																													
		AY		* Michael Mezei, LIPOSOMES AS A SKIN DRUG DELIVERY SYSTEM" 1985 Elsevier Science Publishers B.V. (Biomedical Division), pp 345-358.																																													
		AZ		*Adrienn Gesztes and Michael Mezei, "TOPICAL ANESTHESIA OF THE SKIN BY LIPOSOME-ENCAPSULATED TETRACAINE" on Anesth Analg 1988; 67: pp 1079-81.																																													
EXAMINER																				DATE CONSIDERED																													
*U.S. Patents, foreign publications and other documents designated with a star have been previously filed in the U.S. Patent Office in U.S. Patent No. 6,165,500 to Cevc and related applications. **EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.																																																	

FORM PTO-1449 (REV. 7-80)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO.: 500.1004 CON/RCE	SERIAL NO.: 09/621,574
LIST OF PRIOR ART CITED BY APPLICANT  (Use several sheets if necessary)		APPLICANT(S): CEVC, Gregor			
		FILING DATE: July 21, 2000		GROUP:	

  

U.S. PATENT DOCUMENTS												
*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE						
BA	6 1 6 5 5 0 0	12/26/00	Cevc									

  

FOREIGN PATENT DOCUMENTS												
DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION							
					YES	NO						
BB	*4 4 4 7 2 8 7	11/7/96	Germany	A61K	9/127	Abstract						
BC	*0 7 0 7 8 4 7	4/24/96	Europe	A61K	9/127	Abstract						
BD	*0 7 0 4 2 0 6	4/3/96	Europe	A61K	9/127	Abstract						
BE	*0 4 7 5 1 6 0	3/18/92	Europe	A61K	9/127	Abstract						
BF	1 2 8 9 4 2 0	09/24/91	Canada	A61K	9/50							
BG	9 0 0 9 7 8 2	7/7/90	WO	A61K	9/127							

  

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)	
BH	*Harish M. Patel, "LIPOSOMES AS A CONTROLLED-RELEASE SYSTEM" on Biomedical Society Transactions 609 <sup>th</sup> Meeting, Leeds, pp 513-516.
BI	*Philip G. Green, et al., "IN VITRO AND IN VIVO ENHANCEMENT OF SKIN PERMEATION WITH OLEIC AND LAURIC ACIDS" on International Journal of Pharmaceutics, 48 (1988), pp 103-111.
BJ	*Guia M. Golden et al., "ROLE OF STRATUM CORNEUM LIPID FLUIDITY IN TRANSDERMAL DRUG FLUX" on Journal of Pharmaceutical Sciences Vol. 76, No. 1, January 1987, American Pharmaceutical Association, pp 25-28.
BK	*Bruce J. Aungst et al., "ENHANCEMENT OF NALOXONE PENETRATION THROUGH HUMAN SKIN IN VITRO USING FATTY ACIDS, FATTY ALCOHOLS, SURFACTANTS, SULFOXIDES AND AMIDES" on International Journal of Pharmaceutics, 33 (1986), pp 225-234.
BL	*Ronald R. Burnette et al., "CHARACTERIZATION OF THE PERMSELECTIVE PROPERTIES OF EXCISED HUMAN SKIN DURING LONTOPHORESIS" on Journal of Pharmaceutical Sciences Vol. 76, No. 10, October 1987, American Pharmaceutical Association, pp 765-773.
BM	*E.C. Katoulis et al., "EFFICACY OF A NEW NEEDLELESS INSULIN DELIVERY SYSTEM MONITORING OF BLOOD GLUCOSE FLUCTUATIONS AND FREE INSULIN LEVELS" on International Journal of Artificial Organs Vol. 12, No. 5, 1989, pp 333-338.
BN	*Ovais Siddiqui et al., "NONPARENTERAL ADMINISTRATION OF PEPTIDE AND PROTEIN DRUGS" on CRC Critical Reviews in Therapeutic Drug Carrier Systems, Volume 3, Issue 3, pp 195-208.
BO	*Abstract searched from Derwent World Patents Index Latest.
BP	*Cevc, G. et al., "Ultraflexible vesicles, Transfersomes, have an extremely low pore penetration resistance and transport therapeutic amounts of insulin across the intact mammalian skin", <i>Biochimica et Biophysica Acta</i> , 1368 pp. 201-215 (1998).
BQ	*Cevc, G., "Material Transport Across Permeability Barriers by Means of Lipid Vesicles", <i>Handbook of Biological Physics</i> , Vol. 1, pp. 465-490 (1995).
BR	*Mayer, L.D. et al., "Vesicles of variable sizes produced by a rapid extrusion procedure", <i>Biochimica et Biophysica Acta</i> , 858 pp. 161-165 (1986).
BS	*Patel, H.M. et al., "ORAL ADMINISTRATION OF INSULIN BY ENCAPSULATION WITHIN LIPOSOMES", <i>FEBS LETTERS</i> , 62(1):60-63 (February 1976).
BT	Schreier, H. "Liposomes - A Novel Drug Carrier, I. Phospholipids; Production and Characterization of Liposomes; II. Destiny of liposomes in vivo; use in therapy", <i>Pharmazie in unserer Zeit</i> , No. 4 (1982).
BU	Beyer, C. et al., "Micro Emulsions" <i>Pharmazie in unserer Zeit</i> , No. 2 (1983).
BV	Lichtenberg, D. et al., "SOLUBILIZATION OF PHOSPHOLIPIDS BY DETERGENTS STRUCTURAL AND KINETIC ASPECTS" <i>Biochimica et Biophysica Acta</i> , 737 pp. 285-304 (1983).

  

EXAMINER	DATE CONSIDERED
----------	-----------------

  

\*U.S. Patents, foreign publications and other documents designated with a star have been previously filed in the U.S. Patent Office in U.S. Patent No. 6,165,500 to Cevc and related applications.

\*\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449 (REV. 7-80)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO.: 500.1004 CON/RCE	SERIAL NO.: 09/621,574		
LIST OF PRIOR ART CITED BY APPLICANT  (Use several sheets if necessary)				APPLICANT(S): CEVC, Gregor			
				FILING DATE: July 21, 2000	GROUP:		
U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL	CA	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
							YES NO
	CB	9 1 0 4 0 1 3	04/04/91	WO	A61K	9/127	
	CC	9 2 0 5 7 7 1	04/16/92	WO	A61K	9/127	
	CD	9 3 1 9 7 3 6	10/14/93	WO	A61K	9/127	
	CE	9 3 1 9 7 3 7	10/14/93	WO	A61K	9/127	
	CF	9 0 0 9 7 8 2	09/07/90	WO	A61K	9/127	
	CG	0 2 2 4 8 3 7	11/24/86	EP	A61K	9/127	
	CH	1 7 4 0 2 8 3	07/28/83	AU	A61K	9/10	
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)							
	CI	Lasch, J. et al., "Interactions of external lipids (lipid vesicles) with the skin" <i>Journal of Liposome Research</i> , 5(3) pp. 543-569 (1995).					
	CJ	Berger, M. "Oral Insulin 1922-1992: The History of Continuous Ambition and Failure" <i>Heinrich-Heine-University, Dusseldorf, Germany</i>					
	CK	Cevc, G. et al., "The skin: a pathway for systemic treatment with patches and lipid-based agent carriers" <i>Advanced Drug Delivery Reviews</i> 18 pp. 349-378 (1996).					
	CL	Benner, K., "The Human Body, The Wonderwork of the Human Body, Structure, Functions, Interactions, Processes and Mechanisms" <i>Weltbild GmbH Augsburg</i> (1995)					
	CM	SERVA FEINBIOCHEMICA FUR FORSCHUNG for SERVA Feinbiochemica GmbH & Co. (1986/1987)					
	CN	Fluka ika-BioChemika Catalogue 16 (1988/89)					
	CO	Fieser, L.F. et al., "Organic Chemistry" <i>Hans Ruprecht Hensel, 2<sup>nd</sup> revised edition, Verlag Chemie GmbH, Weinheim/Bergstr.</i> (1968)					
	CP	A. Helenius et al., "Solubilization of Membranes by Detergents" <i>Biochimica et Biophysica Acta</i> , 415 pp. 29-79 (1975).					
	CQ	Jackson, M.L. et al., "Solubilization of Phosphatidylcholine Bilayers by Octyl Glucoside" <i>Biochemistry</i> 21 pp. 4576-4582 (1982).					
	CR	Vinson, P.K. et al., "Vesicle-micelle transition of phosphatidylcholine and octyl glucoside elucidated by cryo-transmission electron microscopy" <i>Biophysical Journal</i> Volume 56 pp. 669-681 (1989).					
	CS	Edwards, K., "Effects of Triton X-100 on Sonicated Lecithin Vesicles" <i>Langmuir</i> Vol.5 No. 2 pp.473-478 (1989).					
	CT	Brendzel, A.M., "EFFECTS OF LIPID-SOLUBLE SUBSTANCES ON THE THERMOTROPIC PROPERTIES OF LIPOSOME FILTRATION" <i>Biochimica et Biophysica Acta</i> , 601 pp. 260-270 (1980).					
	CU	Roeding, J., "Liposomes and Niosomes in Pharmacy and Cosmetics State of the Art Prospects, Techniques of Visualizing Vesicular Systems, Interaction of Liposomes with the Skin" <i>Training Course No. 105 from May 14 to 16, 1990, MARITIM Hotel Nurnberg, Frauentorgaben 11, 8500 Nurnberg.</i>					
EXAMINER				DATE CONSIDERED			
*U.S. Patents, foreign publications and other documents designated with a star have been previously filed in the U.S. Patent Office in U.S. Patent No. 6,165,500 to Cevc and related applications. **EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							



FORM PTO-1449 (REV. 7-80)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO.: 500.1004 CON/RCE		SERIAL NO.: 09/621,574	
LIST OF PRIOR ART CITED BY APPLICANT  (Use several sheets if necessary)				APPLICANT(S): CEVC, Gregor			
				FILING DATE: July 21, 2000		GROUP:	
U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
DA							
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	DB 0 4 7 5 1 6 0 A1	08/23/91	EP	A61K	9/127		
	DC 9 8 1 7 2 5 5	04/30/98	WO	A61K	9/127		
	DD 0 0 1 2 0 6 0	03/09/00	WO	A61K	9/127		
	DE 0 0 2 4 3 7 7	05/04/00	WO	A61K	9/127		
	DF 9 2 0 3 1 2 2	03/05/92	WO	A61K	9/127		
	DG *0 0 3 8 6 5 3	07/06/00	WO				
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
DH	Attachment filed by Opponent - November 13, 1996 (Exhibit C)						
DI	Patentee's Response to Opposition Request - April 21, 1997 (Exhibit D)						
DJ	Patentee Communication to the EPO - May 22, 1998 (Exhibit E)						
DK	Opponent's Response - May 22, 1998 (Exhibit F)						
DL	Decision of EP Opposition Division - July 30, 1998 (Exhibit G)						
DM	Appeal by Opponent - December 4, 1998 (Exhibit H)						
DN	Response by Patentee - April 19, 1999 (Exhibit I)						
DO	*G. Blume and G. Cevc, <u>Drug-Carrier and Stability Properties of The Long-Lived Lipid Vesicles, Cryptosomes, In Vitro and In Vivo</u> , Journal of Liposome Research, 2(3), 355-368 (1992).						
DP	John M. Clark, Jr.: <u>Experimental Biochemistry</u> ; Biochemistry Division, Department of Chemistry; University of Illinois, pgs. 47-48						
EXAMINER				DATE CONSIDERED			
*U.S. Patents, foreign publications and other documents designated with a star have been previously filed in the U.S. Patent Office in U.S. Patent No. 6,165,500 to Cevc and related applications. **EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

081004/3-89

DAVIDSON, DAVIDSON & KAPPEL

PATENT ACCOUNT  
485 SEVENTH AVENUE, 4TH FLOOR  
NEW YORK, NY 10018

HSBC BANK, USA  
EAST CHESTER, NEW YORK 10709-2814  
1-108-210

3448

PAY TO THE ORDER OF  
SEVEN HUNDRED TEN AND NO/100

Commissioner of Patents & Trademarks

DATE  
09/28/01  
AMOUNT  
\$710.00



⑈003448⑈ ⑆021001088⑆654017239⑈

DAVIDSON, DAVIDSON & KAPPEL LLC  
3448

Commissioner of Patents & Trademarks  
INV # 500.1004CPA/ \$710.00 3448

RCE Fee